

IN THE UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

MARTHA JUDY BURKS, as executrix of  
estate of Glenn Burks,

*Plaintiff,*

v.

VETERAN'S ADMINISTRATION MEDICAL  
CENTER d/b/a TENNESSEE VALLEY  
HEALTH CARE, Nashville Campus; JANE  
HOWARD, M.D.; RAY STOKES PEEBLES,  
M.D.; and JOHN and/or JANE DOE,

*Defendants.*

No. 3:07-0251

Judge Nixon

Magistrate Judge Knowles

**ORDER**

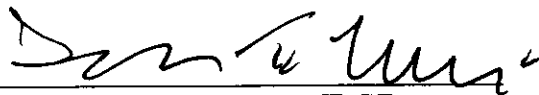
Plaintiff Martha Judy Burks, proceeding *pro se*, filed a Complaint with the Court on February 28, 2007 (Doc. No. 1). This Court referred the action to Magistrate Judge Knowles for customized case management. (Doc. No. 2). In a timely response to an Order to Show Cause (Doc. No. 3), Plaintiff informed the Court that she had not exhausted her administrative remedies in the Veteran's Administration and would pursue such remedies at this time. (Doc. No. 5). In light of Plaintiff's acknowledgment that she has not exhausted her administrative remedies, Magistrate Judge Knowles filed a Report and Recommendation that this action be dismissed without prejudice for want of jurisdiction. (Doc. No. 6).

This Court **ADOPTS** Magistrate Judge Knowles' Report and Recommendation in its entirety, and hereby **ORDERS** that this action is **DISMISSED without prejudice**. Plaintiff

may re-file the action should she exhaust her administrative remedies.

It is so ORDERED.

Entered this the 5<sup>th</sup> day of March, 2008.

A handwritten signature in black ink, appearing to read "John T. Nixon", written over a horizontal line.

JOHN T. NIXON, SENIOR JUDGE  
UNITED STATES DISTRICT COURT